

### REMARKS

Claims 26, 28-36, and 38-45 are pending. Claims 26, 28-33, 36, and 38-42 are provisionally rejected under 35 U.S.C. §101 for statutory double patenting. Claims 34-35 and 43-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Claims 26, 29, 36, and 39 are currently amended.

The specification is objected to for reciting  $S_{12}$  rather than  $S_2$  at page 5, line 14. Applicants have amended the paragraph at page 5, line 12 to recite  $S_2$ .

The specification is further objected to for reciting  $S_{12}$  rather than  $S_2$  at page 6, equation [6]. The symbol  $S_1$  was first changed to  $S_2$  in a preliminary amendment filed by Ronald O. Neerings on June 23, 2003. Somehow, this part of the preliminary amendment was not entered, since equation [6] is incorrect in publication 2004/0086065. A later amendment was filed to again correct equation [6] by Robert N. Rountree on June 15, 2007, at page 2. Applicants believe that it is difficult to see the strike through of subscript 1 and the underline of subscript 2. Therefore, it may appear to be  $S_{12}$ . Applicants would appreciate Examiner's assistance in entering this amendment.

Claims 26, 30-36, and 38-45 are objected to for receiving signals that are not used by the correction circuit (26 and 30-35) or producing a first symbol estimate (36 and 39-45). Independent claim 26 is amended to recite the correction circuit receives "a first estimate signal determined from one of the first symbol and the second symbol, and a second estimate signal determined from one of the complement of a conjugate of a second symbol and the conjugate of the first symbol." Independent claim 36 is amended to recite "producing a first estimate signal determined from one of the first symbol and the second symbol" and "producing a second estimate signal determined from one of the complement of a conjugate of a second symbol and the conjugate of the first symbol." These limitations are described at page 5, lines 19-24 of the instant specification. Depending claims 29 and 39 are amended for consistency. Independent claims 26 and 36, as amended, use all received signals. Applicants believe the present amendment overcomes Examiner's objection.

TI-28441A, Page 7

Claims 26, 28-33, 36, and 38-42 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 34, 36-42, 44-48, 50, 52-58, and 60-64 of copending Application No. 10/659,906 (TI-28441B). Independent claims 26 and 36, as amended, recite previously described limitations not found in pending claims of copending Application No. 10/659,906. Thus, claims 26, 28-33, 36, and 38-42 do not claim the same invention as copending Application No. 10/659,906 and are patentable under 35 U.S.C. §101.

Claims 34-35 and 43-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 34, 41, and 50 of copending Application No. 10/659,906 (TI-28441B). Independent claims 26 and 36, as amended, recite previously described limitations not found in pending claims of copending Application No. 10/659,906. Thus, claims 34-35 and 43-45 are patentable under the judicially created doctrine of obviousness-type double patenting in view of copending Application No. 10/659,906.

In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 26, 28-36, and 38-45. If the Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



Robert N. Rountree  
Attorney for Applicants  
Reg. No. 39,347

Robert N. Rountree, LLC  
70360 Highway 69  
Cotopaxi, CO 81223  
Phone/Fax: (719) 783-0990